

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civ. No. 5:12-cv-00388-D


BRENDA JEAN SLOAN,)
Plaintiff,)
) ORDER
vs.)
)
NANCY A. BERRYHILL,)
Acting Commissioner of)
Social Security,)
Defendant.)
_____)

Plaintiff's counsel filed a motion for approval of attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$21,866.50. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$5,400.00.

Defendant filed a response, stating that under *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$21,856.50, and refund to Plaintiff the smaller award between this amount and the EAJA award.

SO ORDERED, this 15 day of March, 2019.


JAMES C. DEVER
United States District Judge